

Duty to Record: Within 30 days after the date, any real property subject to the provisions of the Responsible Property Transfer Act of 1988 is transferred, this completed document must be filed in the office of the recorder of the county in which such property is located and filed with the Illinois Environmental Protection Agency.

For Use By County Recorder's Office  
County:  
Date:  
Doc. No.:  
Vol.:  
Page:  
Rec'd By:

ENVIRONMENTAL DISCLOSURE DOCUMENT  
FOR TRANSFER OF REAL PROPERTY

SELLER: John M. Smyth Company  
PURCHASER: Furniture L.L.C.  
DOCUMENT NO.: \_\_\_\_\_

Property Identification

A. Address of property: 825 West North Avenue  
Street  
Chicago  
City or Village Township

Permanent Real Estate Index No.: See Exhibit A

B. Legal Description:  
Section 5 Township 39N Range 14  
Enter current legal description in this area:

Prepared by: Name Rex A. Palmer, Esq.  
Company Mayer, Brown & Platt  
Address 190 South LaSalle Street  
City Chicago State IL Zip 60603

Return to: Edward Zimmer  
Levitz Furniture Corporation  
6011 Broken Sound Parkway, N.W.  
Boca Raton, Florida 33487-2799

The following information is provided pursuant to the Responsible Property Transfer Act of 1988.

I. Liability Disclosure

Transferors and transferees of real property are advised that their ownership or other control of such property may render them liable for any environmental clean-up costs whether or not they caused or contributed to the presence of environmental problems associated with the property.

A. Property Characteristics:  
Lot Size 625' X 370' Acreage 5 acres

Check all types of improvement and uses that pertain to the property:

- Apartment building (6 units or less)
- Commercial apartment (over 6 units)
- Store, office, commercial building
- Industrial building
- Farm, with buildings
- Other (specify)

II. Nature of Transfer

A. (1) Is this a transfer by deed or other instrument of conveyance?  
Yes X No \_\_\_\_\_

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- (2) Is this a transfer by assignment of over 25% of beneficial interest of an Illinois land trust?  
Yes \_\_\_\_\_ No X
- (3) A lease exceeding a term of 40 years?  
Yes \_\_\_\_\_ No X
- (4) A mortgage or collateral assignment of beneficial interest?  
Yes \_\_\_\_\_ No X

B. (1) Identify Transferor (Name and Current Address):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Title Holder:

American National Bank and Trust Company of Chicago

23 North LaSalle Street, Chicago, Illinois 60690

Trust No.: 53571 Trust Agreement Date: June 27, 1981

- (2) Identify person who has completed this form on behalf of the transferor and who has knowledge of the information contained in this form (Name, Position (if any), Address, and Telephone No.):

Edward P. Zimmer, Vice President, John M. Smyth Co., Levitz

Furniture Co., 6111 Broken Sound Pkwy, NW, Boca Raton, FL 33487

- C. Identify Transferee (Name and Current Address): Furniture L.L.C., 400  
W. Huron St., Chicago, IL 60610

III. Notification

Under the Illinois Environmental Protection Act, owners of real property may be held liable for costs related to the release of hazardous substances.

A. Section 22.2(f) of the Act states:

"Notwithstanding any other provision of law, and subject only to the defenses set forth in subsection (j) of this Section, the following persons shall be liable for all costs of removal or remedial action incurred by the State of Illinois as a result of a release or substantial threat of a release of a hazardous substance:

1. The owner and operator of a facility or vessel from which there is a release or substantial threat of release of a hazardous substance;
2. Any person who at the time of disposal, transport, storage or treatment of a hazardous substance owned or operated the facility or vessel used for such disposal, transport, treatment or storage from which there was a release or substantial threat of a release of any such hazardous substance;
3. Any person who by contract, agreement or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous substances owned, controlled or possessed by such person at a facility there is a release or substantial threat of a release of such hazardous substances; and

4. Any person who accepts or accepted any hazardous substances for transport to disposal, storage or treatment facilities or sites from which there is a release or a substantial threat of a release of a hazardous substance."

B. Section 4(q) of the Act states:

"The Agency shall have the authority to provide notice to any person who may be liable pursuant to Section 22.2(f) of this Act for a release or a substantial threat of a release of a hazardous substance. Such notice shall include the identified response action and an opportunity for such person to perform the response action."

C. Section 22.2(k) of the Act states:

"If any person who is liable for a release or substantial threat of release of a hazardous substance fails without sufficient cause to provide removal or remedial action upon or in accordance with a notice and request by the agency or upon or in accordance with any order of the Board or any court, such person may be liable to the State for punitive damages in an amount at least equal to, and not more than three times, the amount of any costs incurred by the State of Illinois as result of such failure to take such removal or remedial action. The punitive damage imposed by the Board shall be in addition to any costs recovered from such person pursuant to this Section and in addition to any other penalty or relief provided by this Act or any other law."

D. Section 22.18(a) of the Act states:

"Notwithstanding any other provision or rule or law, except as provided otherwise in subsection (b), the owner or operator, or both, of an underground storage tank shall be liable for all costs of preventive action, corrective action and enforcement action incurred by the State of Illinois as a result or a substantial threat of release of petroleum from an underground storage tank."

E. The text of the statutes set out above is subject to change by amendment. Persons using this form may update it to reflect changes in the text of the statutes cited, but no disclosure statement shall be invalid merely because it sets forth an obsolete or superseded version of such text.

IV. Environmental Information

A. Regulatory Information During Current Ownership

1. Has the transferor ever conducted operations on the property which involved the generation, manufacture, processing, transportation, treatment, storage or handling of "hazardous substances" as defined by the Illinois Environmental Protection Act? This question shall not be applicable for consumer goods stored or handled by a retailer in the

same form, approximate amount, concentration and manner as they are sold to consumers, provided that such retailer does not engage in any commercial mixing (other than paint mixing or tinting of consumer-sized containers), finishing, refinishing servicing, or cleaning operations on the property.

Yes \_\_\_\_\_ No  X

2. Has the transferor ever conducted operations on the property which involved the processing, storage or handling of petroleum, other than that which was associated directly with the transferor's vehicle usage?

Yes \_\_\_\_\_ No  X

3. Has the transferor ever conducted operations on the property which involved the generation, transportation, storage, treatment or disposal of "hazardous or special wastes," as defined by the Federal Resource Conservation and Recovery Act and the Illinois Environmental Protection Act?

Yes \_\_\_\_\_ No  X

4. Are there any of the following specific units (operating or closed) at the property which are or were used by the transferor to manage waste, hazardous wastes, hazardous substances or petroleum?

Landfill	Yes _____	No <u> X </u>
Surface Impoundment	Yes _____	No <u> X </u>
Land Treatment	Yes _____	No <u> X </u>
Waste Pile	Yes _____	No <u> X </u>
Incinerator	Yes _____	No <u> X </u>
Storage Tank (Above Ground)	Yes _____	No <u> X </u>
Storage Tank (Underground)	Yes _____	No <u> X </u>
Container Storage Area	Yes _____	No <u> X </u>
Injection Wells	Yes _____	No <u> X </u>
Wastewater Treatment Units	Yes _____	No <u> X </u>
Septic Tanks	Yes _____	No <u> X </u>
Transfer Stations	Yes _____	No <u> X </u>
Waste Recycling Operations	Yes _____	No <u> X </u>
Waste Treatment Detoxification	Yes _____	No <u> X </u>
Other Land Disposal Area	Yes _____	No <u> X </u>

If there are "Yes" answers to any of the above items and the transfer is other than a mortgage or collateral assignment of beneficial interest, attach a site plan which identifies the location of each unit, such site plan to be filed with the Environmental Protection Agency along with this disclosure document.

5. Has the transferor ever held any of the following in regard to this real property?

a. Permits for discharges of wastewater to waters of the State.

Yes \_\_\_\_\_ No  X

b. Permits for emissions to the atmosphere.

Yes \_\_\_\_\_ No  X

- c. Permits for any waste storage, waste treatment or waste disposal operation.  
Yes \_\_\_\_\_ No X \_\_\_\_\_
  
- 6. Has the transferor had any wastewater discharges (other than sewage) to a publicly owned treatment works?  
Yes X \_\_\_\_\_ No \_\_\_\_\_
  
- 7. Has the transferor taken any of the following actions relative to this property?
  - a. Prepared a Chemical Safety Contingency Plan pursuant to the Illinois Chemical Safety Act.  
Yes \_\_\_\_\_ No X \_\_\_\_\_
  - b. Filed an Emergency and Hazardous Chemical Inventory Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986.  
Yes \_\_\_\_\_ No X \_\_\_\_\_
  - c. Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986.  
Yes \_\_\_\_\_ No X \_\_\_\_\_
  
- 8. Has the transferor or any facility on the property or the property been subject of any of the following State or federal governmental actions:
  - a. Written notification regarding known, suspected or alleged contamination on or emanating from the property.  
Yes \_\_\_\_\_ No X \_\_\_\_\_
  - b. Filing an environmental enforcement case with a court or the Pollution Control Board for which a final order or consent decree was entered.  
Yes \_\_\_\_\_ No X \_\_\_\_\_
  - c. If item b. was answered by checking Yes, then indicate whether or not the final order or decree is still in effect for this property.  
Yes \_\_\_\_\_ No \_\_\_\_\_
  
- 9. Environmental Releases During Transferor's Ownership
  - a. Has any situation occurred at this site which resulted in a reportable "release" of any hazardous substances or petroleum as required under State or federal laws?  
Yes \_\_\_\_\_ No X \_\_\_\_\_
  - b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site?  
Yes \_\_\_\_\_ No X \_\_\_\_\_

c. If the answers to questions (a) and (b) are Yes, have any of the following actions or events been associated with a release on the property?

\_\_\_\_\_ Use of a clean-up contractor to remove or treat materials including soils, pavement or other surficial materials.

\_\_\_\_\_ Assignment of in-house maintenance staff to remove or treat materials including soils, pavement or other surficial materials.

\_\_\_\_\_ Designation, by the IEPA or the IESDA, of the release as "significant" under the Illinois Chemical Safety Act.

\_\_\_\_\_ Sampling and analysis of soils.

\_\_\_\_\_ Temporary or more long-term monitoring of groundwater at or near the site.

\_\_\_\_\_ Impaired usage of an on-site or nearby water well because of offensive characteristics of the water.

\_\_\_\_\_ Coping with fumes from subsurface storm drains or inside basements, etc.

\_\_\_\_\_ Signs of substances leaching out of the ground along the base of slopes or at other low points on or immediately adjacent to the site.

10. Is the facility currently operating under a variance granted by the Illinois Pollution Control Board?

Yes \_\_\_\_\_ No X \_\_\_\_\_

11. Is there any explanation needed for clarification of any of the above answers or responses?

Answer to No. 6: Photo processing chemicals were discharged to the sewer by a former tenant.

B. Site Information Under Other Ownership or Operation

1. Provide the following information about the previous owner or any entity or person the transferor leased the site to or otherwise contracted with for the management of the site or real property:

Name Electric Avenue, Warehouse Club (tenants of transferor)

Type of business or property usage retail, warehouse

2. If the transferor has knowledge, indicate whether the following existed under prior ownerships, leaseholds granted by the transferor, other contracts for management or use of the facilities or real property:

Landfill	Yes _____	No _____
Surface Impoundment	Yes _____	No _____
Land Treatment	Yes _____	No _____
Waste Pile	Yes _____	No _____
Incinerator	Yes _____	No _____
Storage Tank (Above Ground)	Yes _____	No _____
Storage Tank (Underground)	Yes <u> X </u>	No _____
Container Storage Area	Yes _____	No _____
Injection Wells	Yes _____	No _____
Wastewater Treatment Units	Yes _____	No _____
Septic Tanks	Yes _____	No _____
Transfer Stations	Yes _____	No _____
Waste Recycling Operations	Yes _____	No _____
Waste Treatment Detoxification	Yes _____	No _____
Other Land Disposal Area	Yes _____	No _____

V. Certification

A. Based on my inquiry of those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true and accurate.

Edward T. Quinn  
Signature(s)

JOHN M. SMYTH COMPANY  
Transferor or Transferors (Type In)  
(or on behalf of Transferor)

B. This form was delivered to me with all elements completed on:

October, 1997  
(Signature)  
Signature(s)

Furniture L.L.C.  
Purchaser

C. This form was delivered to me with all elements completed on:

\_\_\_\_\_, 19\_\_\_\_  
\_\_\_\_\_  
Signature(s)  
\_\_\_\_\_  
Lender



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\_\_\_\_\_  
Lender Representative (Type In)

\_\_\_\_\_  
Title

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## EXHIBIT "A"

## PARCEL A.:

LOTS 16 THROUGH 30 BOTH INCLUSIVE, IN BLOCK 40 IN JOHN YALE'S RESUBDIVISION OF BLOCKS 38, 39, 40, 42, 43, 44, 45, 57, 58, 59, 60, 61 AND 72 IN ELSTON'S ADDITION TO CHICAGO IN SECTION 5, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

## PARCEL B.:

LOTS 1 THROUGH 9 BOTH INCLUSIVE; AND LOTS 16 THROUGH 35, BOTH INCLUSIVE, ALL IN BLOCK 44 IN JOHN YALE'S RESUBDIVISION OF BLOCKS 38, 39, 40, 42, 43, 44, 45, 57, 58, 59, 60, 61 AND 72 IN ELSTON'S ADDITION TO CHICAGO IN SECTION 5, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

## PARCEL C.:

THE NORTH SOUTH VACATED ALLEY IN BLOCK 44 LYING EAST OF THE EAST LINE OF LOTS 16 THROUGH 23, BOTH INCLUSIVE AND LYING WEST OF THE WEST LINE OF LOT 26 THROUGH 35, BOTH INCLUSIVE ALL IN BLOCK 44 IN JOHN YALE'S RESUBDIVISION OF BLOCKS 38, 39, 40, 42, 43, 44, 45, 57, 58, 59, 60, 61 AND 72 IN ELSTON'S ADDITION TO CHICAGO IN SECTION 5, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

## PARCEL D.:

THE EAST-WEST VACATED ALLEY IN BLOCK 44 LYING SOUTH OF THE SOUTH LINE OF LOTS 1 THROUGH 15 BOTH INCLUSIVE AND LYING NORTH OF THE NORTH LINE OF LOTS 16 AND 20 AND THE NORTH LINE OF LOT 16 PROLONGATED EASTERLY TO THE NORTH WEST CORNER OF LOT 26, ALL IN BLOCK 44 IN JOHN YALE'S RESUBDIVISION OF BLOCKS 38, 39, 40, 42, 43, 44, 45, 57, 58, 59, 60, 61 AND 72 IN ELSTON'S ADDITION TO CHICAGO IN SECTION 5, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

## PARCEL E.:

VACATED WEST WEED STREET LYING SOUTH OF THE SOUTH LINE OF LOTS 16 THROUGH 30, BOTH INCLUSIVE IN BLOCK 40 LYING NORTH OF THE NORTH LINE OF LOTS 1 THROUGH 15 BOTH INCLUSIVE, IN BLOCK 44, EXCEPTING FROM THE LOTS 1 THROUGH 15 BOTH INCLUSIVE, IN BLOCK 44, EXCEPTING FROM THE AFORESAID VACATED WEST WEED STREET THAT PORTION THEREOF LYING EAST OF THE WEST LINE OF LOT 16 IN BLOCK 44, PROLONGATED SOUTHERLY TO THE NORTH THE WEST CORNER OF LOT 15 IN BLOCK 44, LYING WEST OF THE EAST LINE OF LOT 21 IN BLOCK 409 PROLONGATED SOUTHERLY OF THE NORTH EAST CORNER OF LOT 10 IN BLOCK 44, AND LYING SOUTH OF A LINE 14 FEET SOUTH AND PARALLEL WITH THE SOUTH LINE OF LOTS 16 THROUGH 21, BOTH INCLUSIVE IN BLOCK 40 IN JOHN YALE'S RESUBDIVISION OF BLOCKS 38, 39, 40, 42, 43, 44, 45, 57, 58, 59, 60, 61 AND 72 IN ELSTON'S ADDITION TO CHICAGO IN SECTION 5, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

## PARCEL F.:

THE VACATED WEST ONE FOOT OF N. DAYTON STREET (INCLUDING THE INTERSECTION AT WEST WEED STREET AND WEST BLACKHAWK STREET) LYING EAST OF AND ADJOINING THE EAST LINE OF LOT 30 IN BLOCK 40, THE EAST LINE OF LOT 1 IN BLOCK 44, THE EAST LINE OF LOTS 26 THROUGH LOT 35, BOTH INCLUSIVE IN BLOCK 44 THE EAST LINE OF LOT 30 IN BLOCK 40 PROLONGATED SOUTHERLY TO THE NORTH EAST CORNER OF LOT 1 IN BLOCK 44, THE EAST LINE OF LOT 1 IN BLOCK 44, PROLONGATED SOUTHERLY TO THE NORTH EAST CORNER OF LOT 26 IN BLOCK 44 AND THE EAST LINE OF LOT 35 IN BLOCK 44 PROLONGATED SOUTHERLY SIX INCHES IN JOHN YALE'S RESUBDIVISION OF BLOCKS 38, 39, 40, 42, 43,

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44, 45, 57, 58, 59, 60, 61 AND 72 IN ELSTON'S ADDITION TO CHICAGO IN SECTION 5, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL G.:

THE VACATED NORTH SIX INCHES OF WEST BLACKHAWK STREET SOUTH OF AND ADJOINING THE SOUTH LINE OF LOT 25 AND THE SOUTH LINE OF LOT 25 PROLONGATED EASTERLY TO THE SOUTH WEST CORNER OF LOT 35, ALL IN BLOCK 44 IN JOHN YALE'S RESUBDIVISION OF BLOCKS 38, 39, 40, 42, 43, 44, 45, 57, 58, 59, 60, 61 AND 72 IN ELSTON'S ADDITION TO CHICAGO IN SECTION 5, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

SECTION 5. TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL X.:

LOTS 1, 2, 3 AND 4 IN BLOCK 40 IN JOHN YALE'S RESUBDIVISION OF BLOCKS 38, 39, 40, 42, 43, 44, 45, 57, 58, 59, 60, 61 AND 72 IN ELSTON'S ADDITION TO CHICAGO IN SECTION 5, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMON ADDRESS:

825 West North Avenue  
Chicago, IL 60622

TAX IDENTIFICATION NUMBERS:

17-05-209-008  
17-05-209-009  
17-05-209-010  
17-05-209-011  
17-05-209-012

17-05-214-001  
17-05-214-002  
17-05-214-003  
17-05-214-009